

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANN MIKO,

Plaintiff,

vs.

LINCOLN FINANCIAL GROUP,

Defendant.

8:14CV3188

ORDER

This matter is before the court after a review of the court file and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, Federal Rule of Civil Procedure 4(m) establishes a 120-day time limit for service of process on any defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on September 17, 2014. **See** Filing No. 1. On December 23, 2014, the plaintiff's counsel moved to withdraw, with the plaintiff's consent. **See** Filing No. 7. The court granted the motion to withdraw and noted that although the plaintiff was in the process of securing new counsel, she was proceeding pro se. **See** Filing No. 8. At that time, the court also extended the time allowed under the Federal Rules of Civil Procedure for the plaintiff to serve the defendant with summons and a copy of the complaint until February 5, 2015. *Id.* The plaintiff did not respond to the court's order. No further documents have been filed in this matter. The defendant has not made an appearance. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendant. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business on **April 24, 2015**, to file with the Clerk of Court evidence of service or show cause why this case should not be dismissed as against the defendant for failure to prosecute.

Dated this 24th day of March, 2015.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge